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TO: Michael A. Brown
COMPANY: USPTO
FAX NO.: 1- 571- 273- 8300
FROM: Kevin D. McCarthy
RE: 10/728, 498 (Our Ref: 0-03-051)
DATE: December 1, 2006
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MESSAGE:

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I, the undersigned, hereby certify that this correspondence along with other possible documents has been deposited with the U.S. Postal Service by first class mail, postage pre-paid, in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, or facsimile transmitted to the U.S. Patent and Trademark Office on December 1, 2006.

Typed Name: *Kevin D. McCarthy*
Date: December 1, 2006

Patent 0-03-151

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Inventor: Flick et al.
Serial no.: 10/728,498
Filed: December 5, 2003
Title: Vibrational and Pulsating Cushion Device
Examiner: Michael A. Brown
Art Unit: 3772

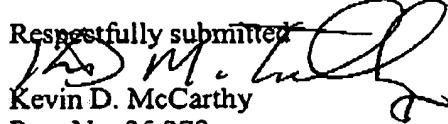
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir/Madam:

Response

This response is in reply to the office action mailed on November 1, 2006. In that office action, the examiner has set forth a restriction requirement. Applicant elects Group I for claims 1 to 34. Accordingly, applicant has withdrawn claims 35 to 39 from prosecution from this application. If the examiner reconsiders the restriction requirement, it would be appreciated if the examiner would examine claims 35 to 39. This request for reconsideration is because the claims are directed to a hospital mattress. As such, this election is with traverse.

This response is considered to be timely filed within one month of the mailing date of this application. If any fees are due, it is respectfully requested that the USPTO contact us immediately to pay the fees, which we maintain are not due.

Respectfully submitted,

Kevin D. McCarthy
Reg. No. 35,278

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